

# *The* **California** REPORTER

PUBLISHED BY THE COURT REPORTERS BOARD OF CALIFORNIA

FALL 2000

## Julie Peak, CSR, New Board Chair, Set High Standards for Board

Julie Peak, CSR, active professional Board member since 1997, was elected CRB Chair at the August 12<sup>th</sup> Board meeting in San Diego. Holding prior leadership positions with the California Court Reporters Association, the Deposition Reporters Association of California, and the General Reporters Association of San Diego, Ms. Peak has worked hard during her early term in office to galvanize a team of board members, consumers, industry, and staff to accomplish a great deal in a short period of time. She took the Board's Strategic Plan, crafted with stakeholders earlier this year, advanced it by developing standing committees to address the most pressing issues facing the Board. Ms. Peak appointed the following committees to address the goals and objectives of the Board's Strategic Plan:



- ⊙ **Education** — to address the multiple concerns regarding student and school accountability, as well as the role the Board should play in its oversight responsibility
- ⊙ **Technology** — to keep abreast of the latest developments before they impact the consumer and the profession
- ⊙ **Mandatory Continuing Education** — to require licensees to keep up to date with their changing profession
- ⊙ **Student Recruitment** — to advance strategies with the associations for bringing new professionals into the field
- ⊙ **Enforcement** — to evaluate and upgrade the current statutes, rules, and regulations governing the profession
- ⊙ **Legislation** — to advance proposals from the above committees to the Legislature and onto the Governor's Desk for signature.

Ms. Peak's vision for the Board is to set standards by working with the various committees that will provide consumers with ethical, highly-qualified court reporters through continuing education, improved school oversight, aggressive student recruitment, and promotion of technology, which will enable the court reporting profession to assist the judicial system with their goal of making a smooth transition into the technologically-advanced Twenty-first Century. 🌟

## STRATEGIC PLAN IMPLEMENTED

Over a period of three months, the Court Reporters Board developed a Strategic Plan, which is serving as a blue print for the Board's proactive future with their stakeholders including consumers and the licensing population. Numerous planning sessions were held to gather input to develop the mission and vision statements, strategic goals and objectives, all of which will chart the Board's course of actions over this current fiscal year. As a result of these planning sessions, the Board members, with input from consumers, CSRs, and others in attendance, developed the following strategic goals for Current Year 2000-01:

1. Keep abreast of new technologies that may significantly change the practice of court reporting.
2. Educate the legal community regarding the Board's role in investigating complaints and violations and taking appropriate action.
3. Promote student recruitment.
4. Develop mandatory continuing education requirements for licensees.
5. Improve efficiency of Board Meetings.

**STRATEGIC PLAN** *Continued on page 7*

## State Board Conducts Site Visits to Court Reporting Schools

The State Board's Site Team, comprised of Executive Officer Rick Black, CSR Ron Clifton, Education Consultant John Peterson, and Special Projects Analyst Jeanne Brode site visited four California Court Reporting Schools, one of which was an unscheduled visit, prompted by complaints from its students and recent low pass rates on the CSR exam.

Although 4 out of a total of 22 board-approved schools is not statistically conclusive, certain trends are reportable. The Site Team found a wide range of quality of education, including basic philosophy, attendance procedures, completion of student files, student evaluation feedback, teacher qualifications, and level of difficulty expected in academics.

Educational philosophy, the belief system that guides a school's day-to-day procedures varied greatly. One school administrator described her program as "competency-based," a term loosely applied to a curriculum completely designed for self-paced students. In and of itself, nothing is particularly wrong with competency-based, unless of course an important ingredient is missing from the equation: accountability. A school that selects self-paced learning may not be able to comply with the State Board's required lecture hours. They should also implement benchmarks to quantify student progress, detailed descriptive student evaluations, and time clocks to ensure minimum number of hours spent in the classroom.

The majority of schools visited were found to be lax in their student attendance records. Some schools were using the State's average daily attendance procedure for student attendance whereby if a student attended class for 5 minutes or more, he or she was given credit for 1 hour of attendance. The schools mistakenly believed that this would also be appropriate for compliance with the Board's positive attendance requirements. Regardless of ADA attendance related to funding, the schools must also take attendance in accordance with the Board's requirements. The State Board requires 660 hours of academics for its approved court reporting programs, which means there is a potential for students to be shortchanged on the number of actual hours they are expected to be in class.

Another area of weakness was the general tendency for lack of clarity in student files. The State Board considers student files to be tantamount to tracking the progress of individual students. A student file should have a copy of the student's

high school diploma or transcripts, a date of entry, dates and progress reports that detail the individual student's progress in the program, and a visual picture of where the student is in relationship to the goal of completion. Several schools failed to keep their student files up to date, and often fell far behind in this area.

One school utilized a written evaluation, signed by both teacher and student, every 3 months. The site team commended this school for its attempt to communicate honestly and regularly with each student in terms of his or her actual progress. The written evaluation could be particularly useful to students to keep them informed as to their current status and their overall projected success in the program.

Teacher credentials ranged from Bachelor Degrees to none at all. In general, the site team found that the teachers with higher education tended to be better teachers. There were exceptions, of course, but in general those without higher education were easily detected, due to their lack of knowledge of the subject matter and/or poor interaction with students.

Finally, the team found a wide discrepancy between schools in terms of expectation level in academics. Just how advanced does one need to be in grammar to become an effective certified shorthand reporter? The team observed a teacher re-

**Site Visits** *continued on page 3*

## Site Visits

*Continued from page 2*

viewing such advanced tenets of grammar that more than one team member wondered if the students really comprehended the grammatical lesson.

The common denominator found at all four schools was the disturbing fact that the average time it takes to graduate court reporting school far exceeds the 3 to 4 years touted by most schools. This troubles the board because it underscores the current concerns of low enrollment, high attrition, and diminished CSR applicants.

As a result of these concerns, board representatives met with two education groups during the month of May to brainstorm resolutions to these issues. The State Board hopes it can resolve these issues by approaching the schools in a cooperative spirit to seek issues of mutual concern and offer possible solutions. 🌱



## Board Holds Education Committee To Begin Resolving Sunset and Site Visitation Issues

On September 9, 2000, the Board held its first Education Committee, comprised of school administrators, Certified Shorthand Reporters, current students, and one attorney who also happens to be a CSR, in Los Angeles. In response to some issues raised by the Joint Legislative Sunset Review Committee and the Board's own investigations, the Education Committee met to brainstorm resolutions to the following issues and suggestions:

- 🌱 The current discrepancy between schools/Board's quoted "average length of time" of 3-4 years for completion versus the actual time found during recent site visits to schools.
- 🌱 The Legislature's perception that court reporting school is an "all-or-nothing proposition" and the Board's need to consider legitimizing related professions such as Captioning, CART, Medical and Legal Transcribing, etc.
- 🌱 Elimination of all qualifiers or lowering the pass point to 90% and limiting schools to one qualifier.
- 🌱 Consideration of lowering the accuracy rate of the state exam to 95%, commensurate with the national standard.
- 🌱 Developing strategies by which both schools and students are held to a greater level of accountability.
- 🌱 Schools to impose positive attendance-taking in both academic classes and speed classes.
- 🌱 Schools to report drop-out rates to the Board.
- 🌱 Board to seek a determination of the total number of hours required to qualify for the CSR exam.
- 🌱 Board to report all students' passage rates, broken down by school, and published in newsletters and on Web.
- 🌱 Schools to report all placement rates of students into the profession or related professions.
- 🌱 Schools, Board, and Students to develop strategies by which students are encouraged to attend all classes regularly, avoiding time-outs when possible to avoid lengthening their time in school.
- 🌱 Creation of a Mandatory Pre-Entrance Test to Disqualify prospective students that do not have sufficient skills necessary to predict successful completion.
- 🌱 Full Disclosure, by all schools, to prospective students that it takes "x" amount of total hours to qualify for the CSR exam. Students must make a full-time commitment to school, with no time off, in order to complete the program on time.

The Board will return to the Legislature the first week of November to present to the Joint Legislative Sunset Review Committee a package of their recommendations to address each of these issues. The Board's Education Committee is to be commended for their commitment to bringing about educational reform. 🌱

## Darling's Corner

*By Dawn Darling, Enforcement Coordinator for the Board*

*As Enforcement Coordinator for the Court Reporters Board of California, I often receive questions posed from licensees regarding the disciplinary process. The following is a typical question I might receive from a CSR and the answer that I would give to assist him/her. This is not applicable to exam applicants.*

### Question

**I was having some personal problems and became over a week late on an "expedite."**

**Now, my firm has informed me that the attorney has said he will be filing a formal complaint with the State Board. What is the disciplinary process used by the Court Reporters Board?**

### Answer

When a complaint is received in writing, the Board writes to the CSR informing him/her of the allegation(s). The CSR is asked to respond within 15 days to each of the allegations in writing. Once "both sides of the story" have been received in the Board office, staff then determines which course of action to take.

If no violation of the laws governing the practice of short hand reporting is found, the case is closed and the licensee and complainant are notified.

If the complaint constitutes a minor violation, a citation and fine, not to exceed \$2500, may be issued. If the CSR pays the fine, the complaint is considered closed. The Enforcement Officer writes both the CSR and the complainant a letter, indicating that the citation and fine has been issued and paid, and that the matter was satisfactorily resolved.

However, if a complaint alleges a more serious violation, such as fraud, gross negligence, or incompetence, the same 15 day letter of response will be issued to gain more information or it may be referred to the Division of Investigation for formal investigation. The investigator assigned to the case may contact the complainant and the CSR. At this point in time, the complaint and the investigation are confidential and are not public records. If it is determined that the licensee's act(s) constitute a violation of the law, the matter may be submitted to the Office of Attorney General who will evaluate the merits of the case. If there is sufficient evidence, an accusation is issued, which is a public record. A copy of the accusation is mailed to the CSR and the complainant. The CSR may request an administrative hearing before an administrative law judge to address the charges. The CSR may, but need not, be represented by an attorney or representative. The CSR may be able to enter into a stipulated settlement with the Board. A settlement may contain stipulations or admissions to one or more of the violations alleged. It also provides conditions of probation for a specified term.

If no stipulated settlement is negotiated, a hearing is held before an administrative law judge from the Office of Administrative Hearings. At the hearing, the CSR, the complainant, and other witnesses may testify. The Board must provide

clear and convincing evidence that satisfies the judge that the allegations are true.

Within 30 days after the hearing, the Judge issues a proposed decision, which includes the facts of the case and the recommended discipline, or which may recommend dismissal of the case. Discipline can include revocation of a license, or revocation that is stayed, pending a period of probation. The Board members have the option of accepting or rejecting the judge's proposed decision, or any stipulated settlement reached between the parties. After the Board adopts either a proposed decision from a judge, or a stipulated settlement, it usually becomes effective 30 days after the adoption date.

If the CSR's license is revoked, the license (wall plaque) must be returned to the Board upon the effective date of the decision. If the revocation is stayed and the CSR is placed on probation, the terms of the probation will be outlined in either the Board's Decision or the Stipulated Settlement.

It is imperative for CSRs to keep their address of record current so that they can receive any letters that require a response or an accusation. The Board is not required to locate a CSR if mail to the address of record is returned or unclaimed.

Please contact the Board at (916) 263-3660, if you have any questions or concerns regarding the disciplinary process. ☺



## Board Modifies Transcript Reimbursement Fund Process

**A**t a Board Meeting May 11, 2000 in San Francisco, the Court Reporters Board of California directed staff to inform the public that under CA law *only* qualifying applicants or CSRs may be reimbursed from the Transcript Reimbursement Fund (TRF).

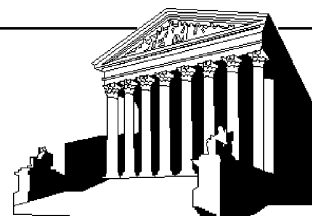
Established in 1981, the TRF reimburses CSRs for deposition and trial transcripts of proceedings conducted by qualifying applicants for indigents. However, in recent years, more and more entities that are not owned by licensed CSRs have been submitting invoices for reimbursement. To ensure compliance with the law, the Board directed staff to make payments only to CSRs, or qualifying applicants, not to reporting agencies.

The Board's action was effective for all applications received on or after June 1, 2000. As of that date, all reimbursements from TRF are being paid to the CSR who reported the proceedings, or to the applicant, if payment has already been made by the applicant to the court reporter or the agency. Under the law, \$300,000 of the license fees paid by CSRs is required to be allocated annually to the TRF. 📌

*If you have any questions that you would like to see addressed in our newsletter, send them to:*

**Court Reporters Board of Calif.**  
Attn: Darling's Corner  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, CA 95833

## ENFORCEMENT



### CITATION & FINES

The following individuals have been cited, and the matters have been satisfactorily resolved, for violations of the Business and Professions Code sections 8016, practicing with an expired certificate, and 8025 (e) repeated unexcused failure, whether or not willful, to transcribe notes of cases pending on appeal and to file the transcripts of those notes within the time required by law or to transcribe or file notes of other proceedings within the time required by law or agreed upon by contract.

#### Alameda County

B&P Code section 8016  
4/11/00; Hodges, Lisa

#### El Dorado County

B&P Code section 8016  
3/22/00; Goldsberry, Kimberly

#### Los Angeles County

B&P Code section 8016  
1/26/00; Cangiamila, Gina

B&P Code section 8016  
2/1/00; Fleming, La Tanya

B&P Code section 8016  
2/24/00; Gee, Cristina

#### Orange County

B&P Code section 8016  
1/26/00; Jones, Brian

#### Stanislaus County

B&P Code section 8016  
4/25/00; Thomas, Dana

#### Ventura County

B&P Code section 8025 (e)  
2/24/00; Richardson, Cynthia

### ADMINISTRATIVE DISPOSITIONS

#### Los Angeles County

B&P Code section 8020  
3/30/00; Jaimes, Joann Maria

ALJ's Proposed Decision  
Adopted by the Board as its  
Decision for denying admission  
to the exam.

### DISCIPLINARY ACTIONS

#### San Francisco County

B&P Code section 8025 (e)  
6/30/00; Oaxaca, Rosalind

Default decision resulting in  
license revocation.

### EDITOR'S NOTE

*To contact the Court Reporters Board of California, call (916) 263-3660. Our new website [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov) is currently under construction. Please visit us January 1, 2001.*

# How Regulations Are Adopted

*Because many licensees or registrants may not be aware of the steps involved, we have provided an overview of how regulations become implemented. All steps of the process are governed by detailed laws:*

1. The process begins when a new law is enacted that requires new regulations, or when the Board adopts a policy change or recommendation, which requires that regulations be enacted.
2. The Board approves proposed regulatory language and, if potentially controversial, schedules a public hearing.
3. The Board publishes a notice in the Office of Administrative Law's (OAL) *California Regulatory Notice Register*, announcing the time and place of the public hearing and indicating where written comments may be sent. The notice contains a summary of the proposed regulation and other information required by law. The law requires that the notice be published at least 45 days before the close of the public comment period and the public hearing.
4. If a public hearing is held, the Board will receive comments, either orally or in writing, from interested members of the public. After the hearing, or at the close of the public comment period, the Board votes to either adopt the proposed regulatory language, or revise the language based on new insights provided by public testimony.
5. If the Board votes to revise the language, the new language must be sent to all who commented on the proposal or who requested to be notified. These individuals have 15 days in which to provide additional comments. Sometimes the language is revised more than once, and the process must be repeated each time.
6. Board staff prepares the rulemaking file, which contains the final regulatory language, detailed justifications, responses to comments, and related documents in a format consistent with the legal requirements.
7. The rulemaking file is submitted to the Department of Consumer Affairs, which has 30 days to complete its review.
8. The rulemaking file is then submitted to the Office of Administrative Law, which conducts a review to determine if the regulatory language meets legal requirements and if the Board followed procedures correctly. The OAL has 30 business days in which to complete this final review. If the file is approved, the regulation is filed with the Secretary of State.
9. The regulation generally goes into effect 30 days after filing with the Secretary of State, unless the agency requests, and can show the need for, a different effective date. The effective date can be nine months to a year if the proposed regulation is approved by the Board. Licensees and registrants are informed when new regulations go into effect through the Board's newsletter, the future website, or mass mailing.

If you would like to be notified of proposed regulations, please contact Dawn Darling at (916) 263-3660.

This article is designed to be only an overview and does not reflect every aspect of the regulation process. In the event of conflict, the Administrative Procedure Act, Gov. Code §11340 *et. seq.*, is controlling. 🐞

## STRATEGIC PLAN

*Continued from page 1*

6. Establish better communication between all staff on a continuous basis.
7. Improve schools by strengthening the Board's oversight of schools to ensure quality of education, teachers, and fairness to students.
8. Develop a valuable Board web site.
9. Improve the examination in areas of quality (validation of all three sections), frequency, and technology.
10. Improve the language of the statutes to provide the Board with greater ability to discipline licensees.

From these goals, the Board has embarked on the development of four standing committees, new construction of a user-friendly web page, development of staff meetings and greater interpersonal communication between staff, creation of an Education Committee to target issues relative to the Board's oversight of schools, and an articulation model with the Sacramento County Office of Education to encourage high school students to investigate the career potential of court reporting and related professions.

Board Members and Executive Officer Rick Black state that this has been the most successful strategic planning to date. Mr. Black states, "Our Strategic Plan is a measurement by which our stakeholders, board members, and staff can assess our progress over the next twelve months." 🌸

## Legislation

### SB 2032 (Figueroa) Extends Court Reporters Board

SB 2032 (Chapter 1007, Statutes of 2000) extend the Court Reporters Board for four years to July 1, 2005. It also continues the Transcript Reimbursement Fund for the same period. The bill was double-joined with SB 449 in order to ensure that the provisions of SB 449 relating to the TRF do not conflict with the language in this bill.

### SB 2090 (Murray) Amends Scope of Practice and Specifies School Requirements

SB 2090 (Chapter 1009, Statutes of 2000) adds making a verbatim record of any court ordered hearing or arbitration to the scope of practice for court reporters and specifies school requirements for discontinuing programs.

### AB 2808 (Papan) Requires Board to Investigate Complaints Against Firms

AB 2808 (Chapter 334, Statutes of 2000) requires the Court Reporters Board to investigate complaints against shorthand reporting entities and report to the Legislature on the necessity of registering these entities.

## IMPORTANT NOTICE TO CONSUMERS AND LICENSEES

If you would like to have your name added to any of the Board's mailing lists for Board Meetings, Committee Meetings, the newsletter, other publications, and Notices for Adoption of Regulations, please put in writing your name and your address of record and which lists you want to be added to, so we can send you the appropriate information to keep you informed. You can fax it or mail it to the Board Office (see below), attention: Connie Conkle.

The Board anticipates its brand new Website to be up and running by the first of next year. Please bear with us as we complete this new website currently under construction. Once completed we anticipate that the newsletter and other information will be available on the site and updated regularly.

The new website address is:  
**[www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)**

The Board's mailing address is:

**Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, California 95833**

**916/263-3664 FAX**

## Court Reporters Board of California

Julie Peak, *CSR, Board Chair*

Peggy Porter, *CSR, Vice Chair*

Lillian Maloney, *Public Member*

Rick Black, *Executive Officer*

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FALL 2000

## *Calendar of Upcoming Events*

### NOVEMBER

- |       |   |
|-------|---|
| 1     | Sunset Review Interim Hearing on Board's Oversight of Schools, Sacramento |
| 3     | Education Committee Meeting, Glendale                                     |
| 4     | Court Reporters Board's Technology Committee Meeting, Toluca Lake         |
| 10-11 | Court Reporters Board Licensing Examination, San Francisco                |
| 11    | Student Recruitment Committee Meeting, San Francisco                      |

### DECEMBER

- |   |   |
|---|---|
| 2 | Court Reporters Board Meeting, Sacramento |
|---|---|

### CRBC MISSION STATEMENT

*The Court Reporters Board of California's mission is to provide users of the judicial system access, consumer education and consumer protection through quality assurance in the qualifications, performance and ethical behavior of court reporters.*